

REMARKS

Favorable reconsideration and withdrawal of the outstanding rejections in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 4, 5, 7-9, and 20 are now pending in the application, with Claims 4 and 5 being independent. Claims 4 and 5 are amended herein, and Claim 20 is newly presented. Support for the claim amendments and new claim can be found throughout the originally-filed disclosure, including, for example, at page 35, line 27 through page 36, line 9, and page 36, lines 19-25 of the Specification. Thus, Applicants submit the amendments and new claim present no new matter.

Claims 4, 5, and 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Numagami et al. (Japanese Patent Pub. No. 09-222839) in view of Morinaga et al. (U.S. Patent 6,219,506) and Corbic (U.S. Patent 4,228,633). Please note, Numagami et al. will be hereinafter referred to as “the 839 Publication,” in order to more closely correspond to the citations of the reference in the Office Action.

The rejections to the claims are respectfully traversed. Nevertheless, without conceding the propriety of these rejections and solely to advance prosecution, independent Claims 4 and 5 have been amended herein to even more clearly recite patentable subject matter. Applicants submit, therefore, Claims 4 and 5 are patentable for at least the following reasons.

The Office Action alleges the ‘839 Publication discloses a manufacturing method for a toner container that includes, *inter alia*, a filling step, a closing step, and a sealing step, as recited in the claims of the present application.

Applicants submit, however, that the ‘839 Publication does not disclose or suggest many of the features recited in independent Claims 4 and 5. As one example, the ‘839 Publication does not appear to disclose or suggest a temperature of the portion being welded to be higher than a softening point temperature of the toner. In fact, in Applicants’ view, the ‘839 Publication appears to be completely silent as to the temperature of the portion of the toner container being welded. Thus, for at least this reason, the ‘839 Publication fails to disclose or suggest a manufacturing method for a toner container as recited in independent Claims 4 and 5.

Applicants further submit the secondary citation to Morinaga et al. does not cure the deficiencies of the ‘839 Publication. The Office Action cites Morinaga et al. as allegedly disclosing and suggesting ultrasonic vibration welding. Assuming, *arguendo*, that Morinaga et al. does suggest such a feature, in Applicants’ view, Morinaga et al. does not further disclose a temperature of a portion of a toner container being welded to be higher than a softening point temperature of the toner. As with the ‘839 Publication, Morinaga et al. does not even appear to mention the temperature of a portion of a toner container being welded. Thus, even if Morinaga et al. is combined with the ‘839 Publication, the references collectively still fail to disclose or suggest a manufacturing method for a toner container as recited in independent Claims 4 and 5.

Applicants still further submit the secondary citation to Corbic also does not cure the above-described deficiencies of the ‘839 Publication. The Office Action cites Corbic as disclosing and suggesting a pressing step of pressing a cover member into a toner container at upstream and downstream portions with respect to the movement direction of a

welding member where the cover member is in contact with the part of the portion to be welded, a fixing step of fixing a position of the container wherein a filling step is effected, and a plurality of pressing members movable independently of each other. Assuming, *arguendo*, that Corbic does disclose and suggest such features, in Applicants' view, Corbic does not further disclose a temperature of a portion of a toner container being welded to be higher than a softening point temperature of the toner. As with the '839 Publication, Corbic does not appear to mention the temperature of a portion of a toner container being welded. Thus, even if Corbic is combined with the '839 Publication and/or Morinaga et al., the references collectively still fail to disclose or suggest a manufacturing method for a toner container as recited in independent Claims 4 and 5.

In sum, the '839 Publication, Morinaga et al. and Corbic, whether taken individually or collectively, fail to disclose or suggest a manufacturing method for a toner container as recited in independent Claims 4 and 5.

Claims 7 through 9 and 20 should be deemed allowable by virtue of their dependency on Claims 4 and 5, and in their own right for further defining Applicants' invention. Individual consideration of the dependent claims is respectfully requested.

For at least the foregoing reasons, Applicants respectfully submit that the pending claims are allowable over the art of record, and that the application is in a condition for allowance. Favorable reconsideration and early passage to issue of the application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the below-listed address.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

Donald H. Heckenberg, Jr.
Attorney for Applicants
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
DHH/lss

FCHS_WS 1496802v1